



16
#4.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Application of:

Roger S. CUBICCIOTTI

Application Number: 10/020,151

Filed: December 18, 2001

For: MODIFIED PHYCOBILISOMES AND USES THEREFORE

Group Art Unit: 1645

Examiner: To Be Assigned

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS AND
REQUEST FOR CORRECTED FILING RECEIPT**

Commissioner for Patents
Washington, D.C. 20231

Sir:

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In response to the attached U.S. Patent and Trademark Office Notification of Missing Parts of NonProvisional Application mailed April 1, 2002, Applicant submits that the Notice, stating that the oath or declaration is missing and requesting a balance due of \$130.00, is in error.

The above-identified application was submitted as a Division of Prior Application Serial No. 08/928,507 filed on September 12, 1997. The Division application transmittal, filed on December 18, 2001, included a copy of the Declaration filed in the parent application, as evidenced by the PTO's date stamped- post card receipt. (Copy enclosed for your reference.)

Applicant also request that a corrected Filing Receipt be issued to reflect the Applicant's residence as Montclair, NJ, as shown on the copy (enclosed herewith) of the Declaration filed in the parent application.

No fees are believed due with this submission.

Respectfully submitted,

BROBECK, PHLEGER & HARRISON LLP

By:

Laurence H. Posorske
Registration No. 34,698

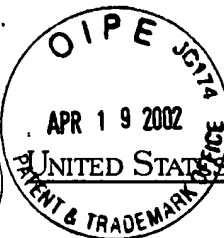
April 18, 2002

Brobeck, Phleger & Harrison LLP
Intellectual Property Department
1333 H Street, N.W., Suite 800
Washington, D.C. 20005
Tel: (202) 220-6000
Fax: (202) 220-5200
LHP:cdh

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/020,151	12/18/2001	Roger S. Cubicciotti	031676.0322

CONFIRMATION NO. 7118

26118
BROBECK, PHLEGER & HARRISON, LLP
ATTN: INTELLECTUAL PROPERTY DEPARTMENT
1333 H STREET, N.W. SUITE 800
WASHINGTON, DC 20005

FORMALITIES LETTER



OC000000007759309

Date Mailed: 04/01/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 130.**

*A copy of this notice **MUST** be returned with the reply.*

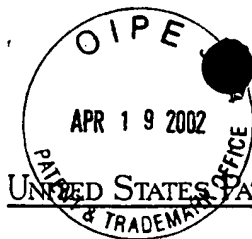
Customer Service Center
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/020,151	12/18/2001	1645	1244	031676.0322		18	9

26118

BROBECK, PHLEGER & HARRISON, LLP
ATTN: INTELLECTUAL PROPERTY DEPARTMENT
1333 H STREET, N.W. SUITE 800
WASHINGTON, DC 20005

CONFIRMATION NO. 7118

FILING RECEIPT



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APR 05 2002

Date Mailed: 04/01/2002

BROBECK

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Roger S. Cubicciotti, Residence Not Provided, MONTCLAIR, NJ

Domestic Priority data as claimed by applicantTHIS APPLICATION IS A DIV OF 08/928,507 09/12/1997 PAT 6,342,389
WHICH IS A CIP OF 08/600,359 02/13/1996 ABN
WHICH IS A CIP OF 08/420,726 04/10/1995 PAT 5,695,990**Foreign Applications**

If Required, Foreign Filing License Granted 04/01/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

Title

Modified phycobilisomes and uses therefore

Preliminary Class

435

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LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

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The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

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NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).



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☐ PROVISIONAL

☒ UTILITY

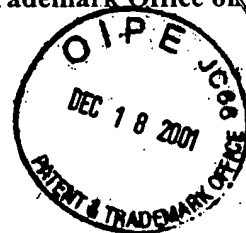
☐ DESIGN

PATENT

Application No.: To Be Assigned Date: December 18, 2001
Client/Matter No.: 031676.0322 Client: Martek Biosciences
Inventor(s): Roger S. CUBICCOTTI Atty/Sec.: LHP:nej
Title: MODIFIED PHYCOBILISOMES AND USES THEREFORE

The following has been received in the U.S. Patent and Trademark Office on the date stamped hereon:

- ☒ New Utility Patent Application Transmittal Letter
- ☒ Utility Application including 77 pages of specification (including claims and an abstract)
- ☒ Copy of Executed Declaration filed in parent application
- ☒ Preliminary Amendment
- ☒ Early Application Number Post Card (w/postage)
- ☒ Authorization to Charge \$1,076.00 to Deposit Account No. 50-1640



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